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FM AMEMBASSY TOKYO  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1583  
INFO RUEHBY/AMEMBASSY CANBERRA IMMEDIATE 3088  
RUEHLO/AMEMBASSY LONDON IMMEDIATE 2375  
RUEHWL/AMEMBASSY WELLINGTON IMMEDIATE 1150  
RUEHOK/AMCONSUL OSAKA KOBE IMMEDIATE 6826  
RUEHKS0/AMCONSUL SAPPORO IMMEDIATE 3578  
RUEHFK/AMCONSUL FUKUOKA IMMEDIATE 3034  
RUEHNAG/AMCONSUL NAGOYA IMMEDIATE 0796  
RUEHNH/AMCONSUL NAHA IMMEDIATE 5374  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 4240  
RHEHAAA/NSC WASHDC IMMEDIATE  
RUCPDC/NOAA NMFS WASHINGTON DC IMMEDIATE

UNCLAS SECTION 01 OF 02 TOKYO 000602

SIPDIS  
SENSITIVE

STATE FOR OES/OA - MHAYES/LPHELPS, L/OES, AND EAP/J  
STATE PASS CEQ  
USDOC FOR NOAA/NMFS - RWULFF

E.O. 12958: N/A  
TAGS: [SENV](#) [EFIS](#) [IWC](#) [PHUM](#) [JA](#)  
SUBJECT: GREENPEACE RAISES HUMAN RIGHTS CONCERNS IN CASE OF  
ARRESTED WHALING ACTIVISTS

REF: 08 TOKYO 1758

Sensitive But Unclassified. Please Handle Appropriately.

11. (SBU) Summary: Greenpeace International representatives met EMIN and EST Chief March 18 to express concern about the case of two Greenpeace Japan activists arrested in 2008. The Greenpeace representatives said the case raises human rights concerns regarding freedom of expression and claimed the GOJ is not being forthcoming in defense requests for information during the pre-trial process. They said Greenpeace would raise this issue with the Japanese Ambassador in Washington and asked that the USG express its interest in the case to the GOJ. They added that the Greenpeace USA executive director would brief White House officials later this week. End summary.

12. (SBU) Greenpeace Deputy Program Director Sarah Burton, Project Leader Rose Young, and attorney Richard Harvey met EMIN and EST Unit Chief March 18 to discuss the case of two Greenpeace Japan employees arrested in 2008. The two were arrested for allegedly taking a package containing whale meat from a delivery service warehouse during their investigation of what Greenpeace claims was ongoing corruption within the GOJ's research whaling program (ref). Burton said the case of the two Greenpeace activists raises human rights concerns about the protection of freedom of expression in Japan. In addition, she said the case highlights the failure of the GOJ to protect whistleblowers and to investigate thoroughly misappropriation of public resources by senior public officials.

13. (SBU) Both Burton and Harvey stated that the right of freedom of expression is protected under the International Covenant on Civil and Political Rights (ICCPR) and the actions of the two activists in exposing official wrongdoing are instances of freedom of expression. Harvey cited a 1978 case in Yokohama in which a journalist was accused of breaking the law during an investigation of official corruption. He said the Japanese Supreme Court decision, which found that the technical breach of the criminal code by the journalist was outweighed by the public good of exposing corruption, was in line with accepted international norms. In the current Greenpeace case, Harvey said prosecution of the two activists for exposing the alleged corruption would

have a chilling effect on freedom of expression within Japan.

¶4. (SBU) Burton provided a copy of a letter Greenpeace will deliver to Ambassador Fujisaki at the Japanese Embassy in Washington raising these concerns and asking the GOJ to protect fundamental human rights and assure a fair hearing for the two Greenpeace activists. (Note: Post emailed copies of the letter and other materials to EAP/J and OES/OA.) Burton said Greenpeace has already briefed the Council for Environmental Quality, and the Greenpeace USA executive director would brief the White House on the issue later this week.

¶5. (SBU) Regarding the legal proceedings involving the two activists, Burton said the court would rule on the admissibility of evidence pertaining to human rights issues at the next pre-trial hearing March 23. She said the defense also would like to submit evidence and expert testimony regarding alleged of corruption in the whale research program to establish the public interest in the case and ask that the investigation into corruption be reopened. Young said the GOJ has not been forthcoming in responding to Greenpeace requests for information, including heavily redacting accounting records the defense had requested from whaling company Kyodo Senpaku and the Institute for Cetacean Research, the government supported institute that manages Japan's research whaling. She added Greenpeace expects the trial to begin by June, after additional pre-trial hearings in April and May.

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¶6. (SBU) Citing the obligation of ICCPR states to ensure other members states adhere to the Covenant's standards, Burton and Harvey asked if the USG could express its concern to the GOJ regarding the case. Harvey said this expression of interest could take a variety of forms, including asking to send an observer to the hearing. He said such a request would send a signal to the GOJ. Burton said Greenpeace has requested the UN to investigate the case, and provided a copy of a letter from the UK Ambassador to Japan to Greenpeace indicating interest in the case, but noting the UK could not get involved in a criminal investigation in Japan.  
ZUMWALT